

Drug Courts and Mental Health Courts 2006

Report to Governor Butch Otter and the First Regular Session of the 59th Idaho Legislature

Extraordinary Partnership Results In Idaho Ranked #2 In The Nation

After eight years of operation, since Idaho's first drug courts were implemented, Idaho now has 46 drug and mental health courts. As a result of the extraordinary partnership of all three branches of state government, the number of drug courts in Idaho is ranked **2nd in the nation** based on the number of courts per capita. Legislative support in 2006 provided funding to further expand mental health courts, reaching every Judicial District in the state. The Supreme Court adopted rules in 2006 addressing the establishment of drug courts and mental health courts to assure that such courts are fully prepared to operate effectively.

Rank	State	1-Jul-04 U.S. Census pop	31-Dec-04 Number of Drug Courts	Population per Drug Court [*]
1	Wyoming	509,294	43	11844
2	Idaho	1,429,096	40	35727
3	Missouri	5,800,310	124	46777
4	Alaska	663,661	12	55305
5	New Mexico	1,928,384	33	58436
6	Delaware	843,524	14	60252
7	Montana	935,670	13	71975
8	Oklahoma	3,547,884	47	75487
9	North Dakota	636,677	7	90954
10	Maine	1,321,505	14	94393

* Only reporting the first ten

Almost 900 Offenders Under Supervision At End Of Year

Throughout the past year (November 1, 2005 – October 31, 2006), adult and juvenile drug courts and mental health courts supervised a **total of 1,568 offenders**, which is based upon adding those who were under supervision at the start of the year together with the new offenders who entered a drug court or mental health court during the year. Collectively, mental health courts and adult and juvenile drug courts supervised an average of 888 offenders each month.

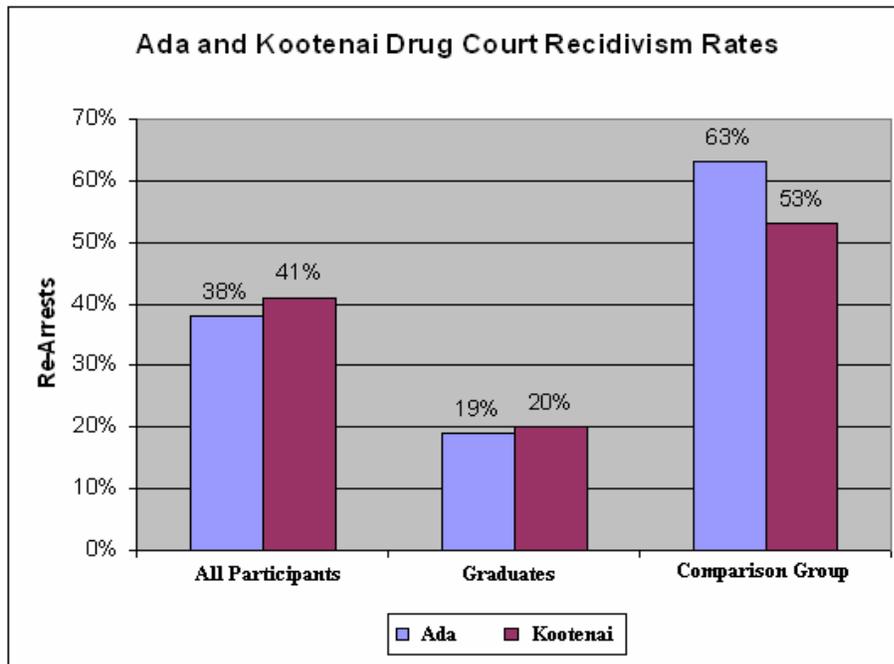
Comparative Costs and Financial Benefits of Drug Court

The annual cost to maintain a felony offender in a community drug court, including substance abuse treatment cost, drug testing, probation supervision, and court coordination averages \$6,550. This represents a significant saving compared to the FY2006 average annual cost of an Idaho prison inmate of \$19,871 or even the \$10,585 state dollar cost for a community work center bed.

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Idaho Outcome Evaluation For Felony Drug Courts will be reported in 2007

In addition to regular drug and mental health court data collection efforts, a multi-phased, independent evaluation of Idaho drug courts has been ongoing for the past five years. Dr. Edward J. Latessa and Dr. Shelley Johnson Listwan are analyzing data from Idaho drug courts to determine outcomes and to assess operational compliance with effective practices. While currently completing the assembling and analysis of recidivism data, an earlier phase of the evaluation completed in 2003, reviewed longitudinal outcome data from the Ada and Kootenai county drug courts. Using a matched comparison group of similar offenders, each drug court demonstrated a reduction in criminal recidivism (re-arrests) over a follow-up period of over two years.



In addition, Idaho drug courts have completed installation of a statewide data system that will increasingly provide both timely performance data and useful case and system management data to strengthen effectiveness.

Drug Courts Save Taxpayers Substantial Dollars

988 of the *adult offenders* supervised by drug and mental health courts last year were charged with *felony* offenses and faced a prison sentence if not supervised in the community through participating in drug court or mental health court. Of these felony defendants, 809 (82%) either maintained compliance with court requirements and remained in drug court or mental health court at the end of the year, or successfully met all requirements and graduated. This represents a significant number of offenders who were *managed and treated* in the community rather than being sentenced to prison or placed on continuing supervised probation. This alternative provides real cost savings for Idaho taxpayers and fosters long-term public safety through decreased criminal recidivism.

Idaho Mental Health Courts Are Recognized Nationally

Idaho has become a model for establishing mental health courts across the country, particularly for rural jurisdictions. Through combining Assertive Community Treatment, a longstanding evidence-based treatment for severe and persistent mental illness, with effective probation supervision and continuing judicial involvement, felony offenders are successfully diverted from prison and given an opportunity to live productively in the community. Based on successful operations, the Bonneville County Mental Health Court was designated as one of five *national learning sites*, through the Council of State Governments and the U.S. Department of Justice, providing early guidance for new mental health courts nationwide.

BJA Announces Selection of Five Mental Health Court Learning Sites

The Bureau of Justice Assistance (BJA), a division of the Office of Justice Programs in the U.S. Department of Justice, announced today the selection of five mental health court learning sites as part of its Mental Health Courts Program (MHCP):

- Akron (OH) Municipal Mental Health Court
- **Bonneville County (ID) Mental Health Court**
- Bronx County (NY) Mental Health Court
- Dougherty Superior Court (GA) Mental Health and Substance Abuse Division
- Reno (NV) Multi-Jurisdictional Mental Health Court



As an additional acknowledgement, **Judge Brent Moss** was recognized by the Robert Wood Johnson Foundation as one of ten 2006 *Community Health Leaders* for facilitating access to mental health treatment in the community for seriously mentally ill offenders. Judge Moss is not only the first Idahoan to receive the leadership award, but is also the first judge to be so recognized.

In addition, Idaho's mental health courts are being documented by the Western Interstate Commission on Higher Education as a prospective "evidence-based practice" for rural mental health.

Mentally ill offenders frequently experience increased symptoms of their mental illness when incarcerated. Whether in jail or prison, they represent a financial and staff safety liability and pose significant costs to counties or to the state. In addition, repeat acute psychiatric hospitalizations are a very costly form of treatment, and also represent a financial burden to governmental jurisdictions. Mental health court capacity is now set at 225 participants in ten locations. It is anticipated that these courts will also parallel the cost savings found in the 7th District Mental Health Court, through FY 2006, where participants reduced their jail days by 84% and their psychiatric hospital days by 98% compared with their prior year's history before entering the mental health court.

Families and Meth — Breaking the Cycle of Addiction

It often seems that children bear a disproportionate impact of Idaho's methamphetamine epidemic, including drug-affected births, injuries, serious neglect, and outright abuse. **Drug courts offer a meaningful alternative.** Idaho has recorded a total of 105 drug-free babies born to women participating in drug court with 28 babies born in the past year alone.

These mothers curtailed or eliminated drug use during a substantial period of their pregnancy and were able to properly care for their baby after its birth. National studies have estimated varying cost associated with drug exposed infants ranging from \$50,000 in first-year costs to a minimum of \$250,000 lifetime cost. By even the most conservative fiscal estimate, these drug-free births represent major savings for Idahoans. Beyond achieving drug free births, Bonneville County continues to pilot a successful Child Protection Drug Court, serving 18 parents in 2006, with six parents graduating. Nez Perce County is about to start a similarly-focused family reunification drug court. These courts manage and encourage treatment for drug-addicted parents who have a child abuse or neglect case. They offer potential savings in foster care and related expenditures.



Other Outcomes Document Effectiveness

There were 387 graduates from Idaho drug and mental health courts during the past year. A total of **1,749** offenders have graduated from drug and mental health courts since they were established in 1998.

Each graduate represents a significant reduction in the likelihood of future crime and a clear increase in productive citizenship. Data collected by the Ada County Drug Court demonstrates an important economic impact of successful drug court participation. Of the Ada County Drug Court graduates in November, 2006 only 41% were employed when they began drug court. However, 97% were employed at the time of their graduation. The graduates demonstrated an overall average wage increase of \$ 6.38 per hour or \$13,270.40 per year. They became tax payers rather than “tax-users” and established legal incomes to enable supporting their families and contributing to their community.

Juvenile Drug Courts Are Providing An Effective Sentencing Alternative

Since the inception of Juvenile drug courts in Idaho there have been 210 graduates with 35 graduates in 2006. Juvenile drug courts supervised 228 young offenders in the past year. This community-based juvenile sentencing alternative is showing promise in eight Idaho communities in four judicial districts, including one juvenile meth court. A process evaluation of Idaho Juvenile drug courts demonstrated that Idaho Juvenile drug courts were operating in substantial compliance with effectiveness guidelines while also identifying some targeted program improvement opportunities. The 7th Judicial District has been approved to work with others in the community, including the Department of Health and Welfare, to develop a pilot juvenile mental health court. This project will examine whether using the problem-solving court model with juvenile offenders having significant mental health issues can achieve better outcomes and reduce commitments to the Department of Juvenile Corrections.

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Forging Effective Partnerships

Drug courts and mental health courts are only as strong as the foundation of partnerships upon which they are built. Many **county probation departments** across the state provided critically important support including offender supervision and drug court coordination services to the adult misdemeanor drug courts and to the juvenile drug courts. Despite growing state probation caseloads, the **Idaho Department of Correction** expanded its support for drug courts and mental health courts to assure close community monitoring and accountability of participating offenders. In addition, department staff joined with other drug court team members in training events and worked to assure the accuracy of the criminogenic risk assessments by which drug court and mental health court participation is determined. The **Idaho Department of Health and Welfare Division of Behavioral Health** dedicated countless hours to managing substance abuse treatment services, expanding recovery support services, supporting professional training and other treatment improvement efforts and providing extensive support in the selection, implementation, and staff training of the new mental health courts. The Department's **Regional Mental Health Centers** undertook the development and delivery of treatment to mental health court offenders. Finally, no drug or mental health court could operate, much less succeed, without the committed partnership of the **community-based treatment and human services agencies**. Their willingness to come together with other professionals as a team effort is an essential ingredient for any drug or mental health court.

Trial Judges Are Willing To Expand Courts

All Idaho judicial districts are willing to expand drug courts and mental health courts to meet the needs in their communities, including additional courts to serve more defendants who are mentally ill, alcohol or drug-impaired drivers, and families who are drug dependent and unable to properly care for their children. While the 2005 expansion in revenue to the dedicated fund provides a stable basic foundation for current drug and mental health court operations, the Idaho Department of Correction estimates an immediate need for an additional 350 felony drug court participants to serve the potentially prison-bound population, and counties need capacity for an additional 75 misdemeanor defendants. It is estimated that the system needs an additional 50 adult mental health court slots also. Drug dependent parents with children facing the Idaho foster care system also represent increased need for the drug court or mental health court alternative. *Significantly increased numbers of participants could be effectively supervised in the community rather than in prison if additional court, probation supervision, and treatment funds were available.* Idaho drug courts and mental health courts remain a positive and cost-effective sentencing alternative, a collaborative effort of the three branches of government. Idaho has achieved growing national recognition for its drug and mental health court leadership. In the face of increasingly complex and growing caseloads, drug and mental health court judges have stepped forward with commitment and compassion. They are ready to move forward as additional resources, including much needed judicial resources in some counties, and new tools are available.

Judicial Priorities Conveyed To Legislature

During interim hearings in 2006, the Idaho judiciary continued to identify the critical need for timely access to appropriate substance abuse and mental health assessments and treatment for offenders as a high priority and a pressing need throughout the state. While three-year federal grants eased the shortage of treatment funding until FY2008, the termination of these funds and resulting limitations in treatment resources for low income defendants will continue to plague local judges attempting to seek alternatives to prison for the seriously addicted or mentally ill offender as well as to develop viable alternatives to the long term or permanent removal of children from their drug-dependent families.

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National Evidence on Effectiveness

According to a recent Special Research Edition from the National Drug Court Institute (2006),

“Drug courts reduce criminal recidivism by roughly 15 to 20 percentage-points as compared to the traditional adjudication of drug related offenses, and they enhance offenders’ exposure to substance abuse treatment nearly six-fold as compared to standard or intensive probationary conditions. These are the consistent conclusions reached by numerous research scholars and endorsed by the U.S. Government Accountability Office and the White House Office of National Drug Control Policy. Importantly, these robust effects have been sustained under stringent experimental research conditions. Moreover, it appears that the magnitude of the effects increase even further when drug court services are appropriately targeted to the needs of the most incorrigible, high-risk drug offenders” (Marlowe, Heck, Huddleston, and Casebolt 2006).

In a study of 95 courts and 2,020 drug court graduates from 1999-2000 entitled, “Recidivism Rates for Drug Court Graduates: Nationally Based Estimates,” it was reported that only 16.4% of drug court graduates were charged with a new offense one year after graduation, and 27.5% so charged two years after graduation (Roman, Townsend, and Bhati 2003).

Additional information is available on the Supreme Court website at www.isc.idaho.gov. If you have questions or need additional information please contact:

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